

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 6720 of 1992****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
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JECHANDRAVATIAMMA SHASHIDHARAN PILLAI & 2 - Petitioner(s)**Versus****CHAIRMAN GUJARAT HOUSING BOARD & 2 - Respondent(s)****Appearance :**

NOTICE UNSERVED for Petitioner(s) : 1 - 3.

RULE SERVED for Respondent(s) : 1,

RULE NOT RECD BACK for Respondent(s) : 2 - 3.

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**Date : 28/11/2005****ORAL JUDGMENT**

1.In this petition under Article 226 of the Constitution of India, the petitioners have prayed for appropriate writ, direction and/or order directing the respondent No.1 Gujarat Housing Board to produce the relevant

documents and proceedings relevant to the premises viz. 624/4003, New Bapunagar, Ahmedabad. The further prayer is to direct the respondent No.3 to produce the alleged irrevocable power of attorney and any other documents on the basis of which he claims ownership to the said premises. The further prayer is also made directing the respondent No.1 not to execute any conveyance deed or any other ownership right in favour of any other except the petitioners.

2. In view of the fact that the learned advocate appearing on behalf of the petitioner had died, this court directed the Office to issue fresh rule to the petitioners as well as the respondents and it is reported that the petitioners are unserved as not residing at the given address. This is a matter of 1992. By virtue of interim relief, this court passed an order dated 24-9-92 to maintain status quo as to possession and title and restrain the respondents from executing conveyance in respect of the suit premises. It appears that the original petitioners are not residing at the same address either due to change of circumstances or they might have sold the property. Even otherwise, looking to the controversy in the petition, it appears that there is a dispute between the petitioners and the private respondent Nos.2 and 3

with regard to the title. It is basically a civil dispute and the same cannot be decided in a petition preferred under Article 226 of the Constitution of India and which requires adducing evidence with regard to establishing the title. Under the circumstances, also there is no substance in the present Special Civil Application.

3. For the reasons as stated above, the present Special Civil Application is required to be dismissed and is dismissed. Rule discharged. However, there will be no order as to costs. Ad interim relief if any, stands vacated forthwith.

(M.R. SHAH, J)

shekhar/-